

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JAMES HEALY, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

MILLIMAN, INC., d/b/a INTELLISCRIPIT,

Defendant.

Case No. 2:20-cv-01473-JCC

**STIPULATED MOTION AND ~~PROPOSED~~
ORDER TO EXTEND DEADLINES**

**NOTED FOR CONSIDERATION:
OCTOBER 28, 2021**

Plaintiff James Healy and Defendant Milliman, Inc. jointly move this Court for entry of an order granting a short extension of deadlines for class certification fact and expert discovery, but without any change to the briefing schedule for Plaintiff's motion for class certification, and in support state as follows:

1. This is a proposed class action case that was filed on October 5, 2020. Plaintiff alleges among other things that Defendant failed to ensure that the consumer reports it prepares and disseminates—which contain sensitive prescription or medical history bearing on the ability to obtain life insurance—include accurate information, in violation of the FCRA. Defendant has denied these allegations.

2. Defendant filed motions for a protective order and for summary judgment. On May 14, 2021, the Court denied the summary judgment motion and granted, in part, and denied, in part, the motion for protective order. ECF No. 51.

STIPULATED MOTION AND ORDER
TO EXTEND DEADLINES- 1

Case No. 2:20-cv-01473-JCC

7479404.1

4. Following the Court's May 14, 2021 order, the parties diligently conducted both first party and nonparty discovery. Both parties responded to written discovery. Defendant produced thousands of pages of documents. And Plaintiff conducted several depositions of Defendant's employees.

5. Despite the parties' efforts, they needed additional time to complete class certification discovery. Among other factors, Plaintiff sought substantial applicant data from Defendant's IRIX database, and significant email production. On August 3, 2021, the Court granted the parties' request to push out case deadlines by two months. ECF No. 53.

6. Following the Court's order extending discovery, the parties continued to pursue discovery diligently. Defendant took the Plaintiff's deposition. Plaintiff deposed additional Milliman employees. Defendant hired a vendor to assist with additional emails. The parties are still working cooperatively to develop appropriate search terms to identify responsive emails.

7. The parties were not, however, able to come to agreement regarding the scope of any IRIX production. On October 7, 2021, Plaintiff filed a motion to compel, which has been fully briefed and is pending.

8. Plaintiff also timely noted two depositions of Defendant's employees for October 26, 2021. However, the witnesses will not be available until mid-November. In addition, Plaintiff timely noticed three third party depositions for dates on or prior to October 29, 2021. However, all three have stated they will need more time to object and/or prepare witnesses.

9. Accordingly, the parties jointly request an amended discovery schedule as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Deadline for class certification fact discovery	10/29/2021	12/10/2021
Plaintiff's class expert disclosures and reports due	12/3/2021	1/7/2022

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Defendants' class expert disclosures and reports due	1/7/2022	2/4/2022
Plaintiff's class rebuttal expert disclosures and reports due	2/4/2022	3/4/2022

10. The parties agree that the extension will only be used for the limited purpose of:

(a) Conducting the currently noted risk score depositions.

(b) Conducting the third-party depositions for Americo, Express Scripts, and CVS.

(c) Facilitating the production of emails. The parties agree to continue to work cooperatively to identify appropriate search terms to limit results to responsive documents, including for Ms. Bolduc. Due to volume, Angela Bolduc's emails will be produced on a rolling basis. Milliman agrees to produce emails for Tom Salatto, Joel Strassburg, and Marc Frydrychowicz on or before 12/10/2021 pursuant to the parties' agreed search terms. The parties will cooperate to narrow the scope of the remaining emails and custodians, to be produced on a rolling basis afterward.

(d) Conducting Angela Bolduc's deposition.

(e) Meeting and conferring in good faith regarding production of Equifax contracts. Milliman will not interfere with Plaintiff's efforts to direct third party discovery to Equifax, if necessary.

(f) Meeting and conferring regarding targeted M drive searches.

11. The parties agree not to serve any additional written discovery or note any additional depositions before 12/10/21. However, this does not limit the parties' ability to engage in post-certification discovery in the event certification is granted.

12. Good cause exists to grant this request for a limited extension of fact discovery and expert deadlines related to class certification. Although the parties have commenced

discovery, it is not complete. The proposed extension is necessary to continue this process so that the parties have the information they need to brief class certification.

13. For all these reasons the parties respectfully request the Court enter an order extending the class certification discovery schedule, as set forth above. This extension will not affect the class certification briefing schedule.

STIPULATED TO AND DATED this 29th day of October, 2021.

TERRELL MARSHALL LAW GROUP PLLC

WILLIAMS, KASTNER & GIBBS PLLC

By: /s/ Adrienne D. McEntee, WSBA #34061

By: /s/ Sean T. James, WSBA #53096

Beth E. Terrell, WSBA #26759

Rodney L. Umberger, WSBA #24948

Email: bterrell@terrellmarshall.com

Email: rumberger@williamskastner.com

Jennifer Rust Murray, WSBA #36983

Daniel Brown, WSBA #22028

Email: jmurray@terrellmarshall.com

Email: dbrown@williamskastner.com

Adrienne D. McEntee, WSBA # 34061

Sean T. James, WSBA #53096

Email: amcentee@terrellmarshall.com

Email: sjames@williamskastner.com

936 North 34th Street, Suite 300

Jeffrey M. Wells, WSBA #45840

Seattle, Washington 98103-8869

Email: jwells@williamskastner.com

Telephone: (206) 816-6603

601 Union Street, Suite 4100

Facsimile: (206) 319-5450

Seattle, Washington 98101-2380

Telephone: (206) 628-6600

Facsimile: (206) 628-6611

James A. Francis, *Admitted Pro Hac Vice*

Email: jfrancis@consumerlawfirm.com

Attorneys for Defendant

John Soumilas, *Admitted Pro Hac Vice*

Email: jsoumilas@consumerlawfirm.com

Lauren KW Brennan, *Admitted Pro Hac Vice*

Email: lbrennan@consumerlawfirm.com

FRANCIS MAILMAN SOUMILAS, P.C.

1600 Market Street, Suite 2510

Philadelphia, Pennsylvania 19103

Telephone: (215) 735-8600

Facsimile: (215) 940-8000

Attorneys for Plaintiff

STIPULATED MOTION AND ORDER
TO EXTEND DEADLINES- 4

Case No. 2:20-cv-01473-JCC

7479404.1

TERRELL MARSHALL LAW GROUP PLLC

936 North 34th Street, Suite 300

Seattle, Washington 98103-8869

TEL. 206.816.6603 • FAX 206.319.5450

www.terrellmarshall.com

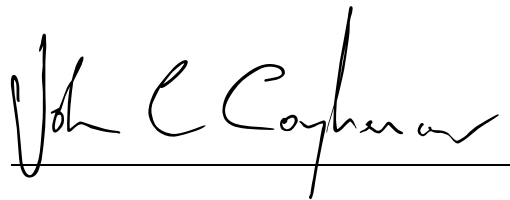
II. PROPOSED ORDER

Pursuant to the parties Stipulated Motion to Extend Deadlines, IT IS SO ORDERED. The discovery deadlines are extended as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Deadline for class certification fact discovery	10/29/2021	12/10/2021
Plaintiff's class expert disclosures and reports due	12/3/2021	1/7/2022
Defendants' class expert disclosures and reports due	1/7/2022	2/4/2022
Plaintiff's class rebuttal expert disclosures and reports due	2/4/2022	3/4/2022

IT IS SO ORDERED.

DATED this 29th day of October 2021.



John C. Coughenour
UNITED STATES DISTRICT JUDGE